THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27854 OF 2005

Dated: 29-12-2005

Between

G. Anil Kumar, S/o. Sri Ramanjaneyulu

Occ: Student, R/o. H.No.18-27-G2,

S.V.S. Aruna Residency, Kamalanagar

Chaitanyapuri, R.R. District.

...PETITIONER

AND

State of Andhra Prades, rep. by its

Secretary (Home), Secretariat,

Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in harassing him and his wife by calling them to the police station as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner fell in love with one Usha Rani aged about 24 years, petitioner being 23 years of age, as they were friends since four years. Their marriage took place against the wishes of the their parents at Venkateswara Temple, Kothapally village, Yacharam Mandal, R.R. District on 19.12.2005 in the presence

of their friends, as they were majors, as per Hindu rights and customs. Petitioner belongs to Vysya Community and his wife belongs to Kaktiya Community. The learned counsel further submits that at the instance of the father of the petitioner's wife the second respondent is threatening to register a case against them and arrest them without any justification whatsoever.

This Court is of the opinion that marriage of two persons belonging to different castes or communities or religions is not an offence under any law. Even if any marriage is performed against the wishes of the parents it cannot constitute any crime unless any of the party involved in the marriage is minor.

Having regard to the facts and circumstances of the case,
the second respondent is directed not to interfere with the personal life and liberty of the petitioner and his wife and not to harass them without their being any complaint/report alleging that the petitioner or his wife has committed a cognizable offence.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 29, 2005

Note: Furnish C.C. of the order by 30.12.2005

(**B/O**)

DSK